

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TRENT HERBERT SIMEK,

Plaintiff,

v.

Case No. 18-cv-820-pp

DR. CARLO GAANAN, *et al.*,

Defendants.

**ORDER ADOPTING JUDGE DUFFIN'S REPORT AND RECOMMENDATION
(DKT. NO. 16) AND GRANTING DEFENDANTS' MOTION TO DISMISS
(DKT. NO. 12)**

On April 15, 2019, Judge Duffin recommended that this court dismiss this case based on the plaintiff's failure to diligently prosecute it. Dkt. No. 16. Judge Duffin noted that the plaintiff did not appear for his March 7, 2019 deposition, did not respond to the defendants' written discovery requests and did not sign and return the authorization to obtain his medical records. Id. Judge Duffin's order informed the plaintiff that he must file any written objections to the recommendation within fourteen days. Id.

Fourteen days passed, and the plaintiff did not object to the recommendation. The court has reviewed Judge Duffin's recommendation and agrees that the plaintiff has not diligently prosecuted the case.

The court **ADOPTS** Judge Duffin's April 15, 2019 report and recommendation. Dkt. No. 16.

The court **GRANTS** the defendants' motion to dismiss for failure to prosecute. Dkt. No. 12.

The court **ORDERS** that this case is **DISMISSED** based on the plaintiff's failure to diligently prosecute it. See Fed. R. Civ. P. 41(b). The court will enter judgment accordingly.

This order and the judgment to follow are final. A dissatisfied party may appeal this court's decision to the Court of Appeals for the Seventh Circuit by filing in this court a notice of appeal within 30 days of the entry of judgment. See Fed. R. of App. P. 3, 4. This court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the 30-day deadline. See Fed. R. App. P. 4(a)(5)(A).

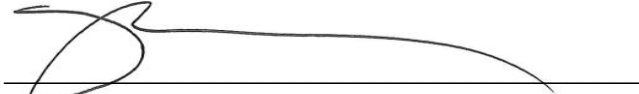
Under limited circumstances, a party may ask this court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within 28 days of the entry of judgment. The court cannot extend this deadline. See Fed. R. Civ. P. 6(b)(2). Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time, generally no more than one year after the entry of the judgment. The court cannot extend this deadline. See Fed. R. Civ. P. 6(b)(2).

The court expects parties to closely review all applicable rules and

determine, what, if any, further action is appropriate in a case.

Dated in Milwaukee, Wisconsin, this 13th day of May, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge